

ZONING AND ADJUSTMENT BOARD

November 4, 2002

The Zoning and Adjustment Board of Sumter County, Florida convened on Monday, November 4, 2002 at 6:30 P.M. with the following members present: Larry Story, Chairman, Dossie Singleton, Jack Bratton, Dale Nichols, Rusty Mask, Richard Bradley, Mark Caruthers, and Evan Merritt. Lamar Parker, Wayne Lee, Todd Brown and Frank Topping were absent. Terry Neal, Board Attorney, was present. Roberta Rogers, Director of Planning & Development, and Aimee Webb, Board Secretary, were also present.

The Board members led everyone in the pledge of allegiance and prayer.

Mr. Merritt made a motion to approve the minutes from the ZAB Meeting on October 21, 2002. Mr. Bradley seconded the motion and the motion carried.

Mr. Story presented the Proof of Publication.

ZP2002-107

Eudora Cowart

Mr. Merritt made a motion to remove the case from the table. Mr. Bradley seconded the motion and the motion carried. The representative for the applicant, Ray Goodwin, and his attorney, Steven J. Richey, were present and requesting a major Special Use Permit to allow a mud racetrack on 33 acres MOL. There were six notices sent. There were 98 letters received in support and 1,560 signatures on supportive petitions. There were 85 letters received in opposition and 806 signatures of opposition on petitions. Mrs. Neal stated due to the massive response, the letters would not be read into the record. However the letters were on file and available for review.

The following audience members requested they be allowed to speak: Darren Ferrante, Larry Mitchell, Paul Bonner, Tena Lula Crenshaw, Edward Emrick, Linda Wood, Susan Porter, Michael Smiley, Jr., Ann Carmichael, Nancy Canaday, Gertrude Dickinson, Micki Harris, Paul Boeve, Ray Shanklin, Dave Starnes, Pat Larkins, Steve Hunter, Michael Hunter, Alan Fink, Norman Eastman, Joan Tedesco, Randy Mask, Robert Ewell, Delilah Crafton, and Billy Simmons.

Mr. Goodwin stated his plans for the property was not for mud bogging but for a mud racetrack. Mr. Goodwin explained most of the vehicles were street legal, the races would be electronically timed, a crowd control fence would be erected, noise would be deflected into the woods and walls would be erected between the tracks and at the end of the tracks to minimize accidents. No alcohol or tobacco sales would be conducted on the property. Mr. Goodwin stated the events would have off duty deputies, paramedics, and the local fire department on staff for emergencies.

Some of the Board's concerns were the potential problem with fuel and oil spills, restroom facilities and any additional business on the property during the week. Mr.

Goodwin stated there would be no associated activities for the property other than mowing or the port-a-let companies, and Environmental Health will allow for a six-month operation without permanent restroom facilities.

Mr. Larry Mitchell, an engineering consultant, took seven different decibel readings from seven different locations during a light rain with only one truck running at 6000 rpm. Mr. Mitchell stated the noise generated was less than the traffic generated from the highway. Several people felt this was not a true and accurate reflection of a race night because the noise of several vehicles, crowds, and dry air readings were not included in the decibel readings.

Other concerns raised by the audience were who would incur the cost of the EMS vehicles and personnel, how people would be kept out of the cemetery, prohibiting the side access roads from being used, benefits to Sumterville and keeping the road free of debris (mud, trash, etc.), property values, water supply, Sumterville rock pits, ecology, additional traffic, and mosquitoes.

Attorney Richey stated there would be security monitoring the behavior on and off site and the property would be fenced. Mr. Goodwin stated the Department of Transportation felt there would be no problem accommodating the additional traffic and water would be provided to wash vehicles off the minimize the mud in the road.

Several audience members explained they were not opposed the racetrack itself but felt the location was not suitable. Several supporters stated it was family entertainment, it would be beneficial to the economy, and could potentially bring new residents.

Mr. Richey stated the proposed use was a night activity therefore not affecting the golfers, traffic would be during off-peak hours and it was a compatible use with the surrounding properties.

Mr. Story closed the case from public comments. The Board discussed the surrounding future land use, trespassing and deafening the noise. Mr. Nichols stated he felt the use was not compatible with surrounding land uses. Mr. Nichols made a motion to recommend disapproval of the request for a Special Use Permit for a mud racetrack to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Bratton seconded the motion and the motion carried with Mr. Story, Mr. Merritt and Mr. Caruthers voting nay. The motion to deny carried.

The Board took at five-minute recess at which Mr. Nichols excused himself from the meeting.

ZP2002-118

Billy & Daphne Simmons

Billy and Daphne Simmons were present and requesting a rezoning from RR1 and A5 to RR1 on one acre MOL to correct the zoning on a parcel deeded by lineal transfer. There were five notices sent. Of the five notices sent, two were received in favor and none in

objection. There were no objections from the audience. There were no further questions or discussions from the Board. Mr. Caruthers made a motion to recommend approval of the rezoning from RR1 and A5 to RR1 to the Board of Sumter County Commissioners based on the information provided in the staff report. Mr. Merritt seconded the motion and the motion carried.

ZP2002-116

Daniel & Marie Dudeck

Daniel and Marie Dudeck were present and requesting a renewal of a Temporary Use Permit for one year while their permanent residence is under construction. There were six notices sent. Of the six notices sent, two were received in favor and none in objection. There were no objections from the audience. There were no further questions or discussions from the Board. Mr. Caruthers made a motion to approve the request for the renewal of a Temporary Use Permit for one year while the permanent residence is under construction based on the information provided in the staff report. Mr. Bradley seconded the motion and the motion carried.

ZP2002-117

P. Mike & D. Sue Murphy

Patrick and Sue Murphy were present and requesting a renewal of a Temporary Use Permit for three years to allow a mobile home on their property for a care receiver's residence. There were six notices sent. Of the six notices sent, none were received in favor and one in objection. The letter of objection was read into the record. There were no objections from the audience. There were no further questions or discussions from the Board. Mr. Caruthers made a motion to approve the request for a renewal of a Temporary Use Permit for three years to allow a mobile on the property for a care receiver's residence based on the information provided in the staff report. Mr. Bradley seconded the motion and the motion carried.

ZP2002-119

Fred Hale & Linda Rouse

Fred Hale and Linda Rouse were present and requesting a Temporary Use Permit for three years for a care receiver's residence in a garage previously converted for residency and approved by the Board of Adjustment. There were eight notices sent. Of the eight notices sent, two were received in favor and none in objection. There were no objections from the audience. There were no further questions or discussions from the Board. Mr. Caruthers made a motion to approve the request for the Temporary Use Permit for three years for a care receiver's residence based on the information provided in the staff report. Mr. Bradley seconded the motion and the motion carried.

ZP2002-96

A.C.M.S., Inc.

The applicant submitted a letter prior to the meeting requesting the case be tabled until the next ZAB meeting. Mr. Merritt made a motion to approve the request to table the

case until the November 18, 2002 ZAB meeting and December 10, 2002 BOCC meeting. Mr. Caruthers seconded the motion and the motion carried.

Public Forum

Mr. Merritt questioned whether the Board could request independent experts be brought in when the need arises. Mrs. Rogers explained the Board could bring in independent experts at any time and the applicant would be responsible for payment.

Mr. Merritt made a motion to remove the Land Development Regulation amendments from the table. Mr. Caruthers seconded the motion and the motion carried. Mr. Caruthers made a motion to recommend approval of the Land Development Regulation amendments with the clarification that the prohibition of sales of alcoholic beverages within 500' of a church, school, or daycare would not apply to Planned Unit Developments or Developments of Regional Impact. Mr. Mask seconded the motion and the motion carried.

Mr. Merritt made a motion to adjourn the meeting. Mr. Bratton seconded the motion and the motion carried.

The meeting adjourned at 9:52 p.m.

Larry Story, Chairman
Zoning & Adjustment Board